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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,323	03/16/2004	Athanassios Diacakis	42365-01015	3738

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EXAMINER

D'AGOSTA, STEPHEN M

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/802,323	Applicant(s) DIACAKIS ET AL.	
	Examiner Stephen M. D'Agosta	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11-2-2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,8-15,17-22,24,28-30 and 35-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,3,8-15,17-21 and 35-41 is/are allowed.
- 6) ☒ Claim(s) 22,24 and 28-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim 22, 24 and 28-30 have been considered but are moot in view of the new ground(s) of rejection.

1. All claims are allowed except 22, 24 and 28-30 since these claims are still broadly written and read on the prior art. They also did not incorporate all the claims recommended by the examiner as being required for novelty. The applicant can either cancel these claims and/or amend with the "objected-to" matter for novelty.

2. A new rejection is found below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22, 24 and 28-30 rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al. US 6,104,931 and further in view of Layson Jr. US 5,731,757 and (Melton et al. US 5,255,306 OR Wortham US 5,884,221).

As per **claims 22 and 24**, Havinis teaches a method for monitoring a location of a wireless unit of interest across multiple wireless networks (title and abstract), comprising the steps of:

accessing a system operative to provide location information for wireless units across multiple wireless networks (C2, L35-40 teaches BTS "triangulation");;

identifying a wireless unit of interest (title and Abstract teaches monitoring an individual);

the monitoring including overriding a privacy setting associated with said wireless unit of interest when necessary to obtain location information (C4, L46-49);

and receiving said location information upon the occurrence of said event (eg. providing said location information to a recipient associated with said request - Havinis teaches the request coming from various individuals such as Fleet Management, C5, L17-35 and Taxi companies, C5, L36-60, law enforcement and emergency centers, C4, L45-50);

but is silent on monitoring a location of the wireless unit of interest over time AND defining at least one trigger event the occurrence of which will result in the provisioning of location information for said wireless unit of interest when said wireless unit of interest is within any of multiple location zones covered by at least one of the multiple wireless networks, the trigger event including at least one of a schedule, said wireless unit one of sending and receiving wireless communications, and said wireless unit being identified relative to an area of interest, wherein said location information is provided independent of any location-finding preferences of said wireless unit of interest, and wherein an area of interest used for a trigger event includes at least one of an address, a point and radius, another wireless unit, and a geographical boundary;

Layson teaches monitoring a user's location (eg. criminal offender) and various triggers that are monitored which result in location determination across zones in a wireless network, said triggers include schedule and range/geographical boundary and/or another wireless unit (eg. victim) – see Abstract and figures 6a-6c.

Furthermore, Melton (Abstract) or Wortham ((see figure 1 and C1, L49 to C2, L24) teach location monitoring and tracking.

As per **claim 28**, Havinis teaches claim 22, wherein said identifying step further comprises:

Said step of providing a system operative to procure location information for a said wireless unit of interest further comprises procuring location information from at least first and second location (eg. multiple wireless networks) information sources, wherein said first and second location information sources employ first and second different location finding technologies (C8, L61-67 and C2, L35-60 teach using well known cellular system positioning methods while C2, L63-67 teaches using GPS).

As per **claims 29-30**, Havinis teaches claim 22 **but is silent on further** comprising:

comparing said location information to at least one location of interest to monitor the movement of said wireless unit relative to said point of interest AND uncertainty associated with location information overlapping said at least one location of interest, notifying a third party that said wireless unit is proximate to said at least one location of interest AND wherein said third party is a law enforcement agency.

Melton teaches a location monitoring device that tracks a person's location within a certain range of a point of interest (eg. their house) during house arrest (abstract, figure 1 and C1, L20-42). Melton also teaches providing data to an agency (eg. police) who track the individual (C1, L43-58).

Layson teaches monitoring an offender's location (eg. can be with respect to a location of interest and/or with respect to another person/victim) – Abstract and figures 6a-6c).

It would have been obvious to one skilled in the art at the time of the invention to modify Havinis, such that comparing said location information to at least one location of interest to monitor the movement of said wireless unit relative to said point of interest AND uncertainty associated with location information overlapping said at least one location of interest, notifying a third party that said wireless unit is proximate to said at least one location of interest AND wherein said third party is a law enforcement agency, to provide means for determining if the user is within a zone of interest and/or may have moved from said zone and to then notify law enforcement.

Allowable Subject Matter

Claims 2-3, 8-15, 17-21, and new claims 35-41 allowed.

Art Unit: 2617

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Hoshen US 5,461,390.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

STEVE M. D'AGOSTA
PRIMARY EXAMINER



11-16-06